



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

August 8, 2005

A72R  
Site: Beatrice FMGP  
ID: NEN00070418U  
EPA: 1-0  
CERCLA: 8-8-05

VIA FACSIMILE AND REGULAR MAIL

Mr. Robert M. Schafer, Esq.  
114 N 6<sup>th</sup> Street  
Beatrice, NE 68310

Re: Beatrice Former Manufactured Gas Plant ("FMGP") Site  
Beatrice, Nebraska

Dear Mr. Schafer:

During our meeting on July 12, 2005, the City of Beatrice ("the City") inquired about the availability of Brownfields program funds for the Beatrice FMGP Site. Since the City is a named respondent in the Administrative Order on Consent being negotiated, EPA considers the City to be a potentially responsible party (PRP). As a PRP, the City is ineligible under the Brownfields law to be a grantee for either assessment grants or cleanup grants. Also, while EPA has certain Targeted Brownfields Assessment funds that can be utilized on behalf of communities for assessment work, in the context of an enforcement action, it is inconsistent for EPA to provide these services to the City for the site.

My client has instructed me to move forward expeditiously toward securing a signed consent order on or before August 24, 2005. If the PRPs are unwilling to enter into a consent order, EPA will consider other enforcement options, including the issuance of a unilateral order.

Please contact me if you have additional questions and with any comments on the proposed consent order which was sent to the City on May 18, 2005.

Sincerely,

  
Barbara L. Peterson  
Assistant Regional Counsel

cc: Kevin Larson

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